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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/002,031	12/31/1997	JAMES H. ADAMS JR.	78-824	7362

7590

05/02/2005

ASSOCIATE COUNSEL (PATENTS), CODE 1008.2  
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EXAMINER

PIHULIC, DANIEL T

ART UNIT

PAPER NUMBER

3662

DATE MAILED: 05/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Notice of Non-compliance with 35 U.S.C. 112 of application having SIR Request</b>	Application/Control No.	Applicant(s)	
	09/002,031	ADAMS ET AL.	
	Examiner	Art Unit	
	Daniel Pihulic	3662	

An examination of the above identified application indicates that it does not comply with 35 U.S.C. 112 because:

1. ☐ The specification does not contain a written description of the invention, and the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same. (See attached sheet(s)).  
Accordingly, claim(s) \_\_\_\_\_ is/are rejected under 35 U.S.C. 112, first paragraph, as being based on an insufficient disclosure.
2. ☐ The specification does not set forth the best mode contemplated by the inventor for carrying out the invention. (See attached sheet(s)).  
Accordingly, claim(s) \_\_\_\_\_ is/are rejected as being based on an insufficient disclosure.
3. ☐ The claims do not particularly point out or distinctly claim the subject matter which the applicant regards as the invention. Specifically claim(s) \_\_\_\_\_ is/are rejected as failing to comply with 35 U.S.C. 112, second paragraph. (See attached sheet(s))
4. ☒ Other; see attached sheets.

A SHORTENED STATUTORY PERIOD FOR REPLY to comply with the requirements noted in this action is set to EXPIRE **THREE MONTHS** FROM THE "DATE MAILED" of this Office Action. Failure to timely comply will result in ABANDONMENT of this application. Extensions of time may be available under the provisions of 37 CFR 1.136(a). The Request for a Statutory Invention Registration will not be given further consideration until the application is amended to be in compliance with 35 U.S.C. 112.

**Attachment(s)**

- |   |  |
|---|--|
| 1 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                             | 2 <input type="checkbox"/> Notice of Informal S.I.R. Request |
| 3 <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449), Paper No. <u>20050207</u> . | 4 <input type="checkbox"/> Examiner's Amendment/Comment      |
| 5 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____   | 6 <input type="checkbox"/> Other _____                       |

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1. Claims 14 and 15 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only. See MPEP § 608.01(n).
2. This application does not contain an abstract of the disclosure in compliance with 37 CFR 1.72(b). An abstract with less than 151 words on a separate sheet is required.
3. The computer program listing is not in compliance with 37 CFR 1.96(c).

**§ 1.96 Submission of computer program listings.**

(c) As an appendix which will not be printed : Any computer program listing may, and any computer program listing having over 300 lines (up to 72 characters per line) must, be submitted on a compact disc in compliance with § 1.52(e). A compact disc containing such a computer program listing is to be referred to as a "computer program listing appendix." The "computer program listing appendix" will not be part of the printed patent. The specification must include a reference to the "computer program listing appendix" at the location indicated in § 1.77(b)(4).

(1) Multiple computer program listings for a single application may be placed on a single compact disc. Multiple compact discs may be submitted for a single application if necessary. A separate compact disc is required for each application containing a computer program listing that must be submitted on a "computer program listing appendix."

(2) The "computer program listing appendix" must be submitted on a compact disc that complies with § 1.52(e) and the following specifications (no other format shall be allowed):

- (i) Computer Compatibility: IBM PC/XT/AT, or compatibles, or Apple Macintosh;
- (ii) Operating System Compatibility: MS-DOS, MS-Windows, Unix, or Macintosh;
- (iii) Line Terminator: ASCII Carriage Return plus ASCII Line Feed;
- (iv) Control Codes: the data must not be dependent on control characters or codes which are not defined in the ASCII character set; and
- (v) Compression: uncompressed data.

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4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dan Pihulic whose telephone number is 571-272-6977. The examiner can normally be reached on Tuesday through Thursday from 5:30 a.m. to 4 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Tarcza, can be reached on 571-272-6979.

The fax phone numbers for the organization where this application or proceeding is assigned are:

703-872-9306 for official responses, and

571-271-6977 for unofficial communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-3600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*/ Dan Pihulic*  
**Daniel Pihulic**  
**Primary Examiner**  
**Art Unit 3662**